



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

FJN/GK/TBM
F. #2014R01920/OCDETF #NY-NYE-764

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October 11, 2022

By ECF and Email

The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Dairo Antonio Usuga David
Criminal Docket No. 14-625 (DLI)

Dear Judge Irizarry:

The parties write in response to Your Honor's September 21, 2022 Order, directing the parties to file a joint status report with the Court by today. Since the last status conference on August 2, 2022, the government has worked with defense counsel and the Metropolitan Detention Center ("MDC") to facilitate the defendant's ability to communicate with his family pursuant to the Special Administrative Measures. Since the last status conference, the defendant has been able to speak to his family three times. The defendant is next scheduled to speak with his family on or about November 1, 2022.

Additionally, the defendant has been evaluated by medical professional at the MDC regarding his various conditions. While the parties are in agreement that medical staff at the MDC are aware of the defendant's reported medical complaints, the defense has been informed by the defendant that no specialized medical attention or testing of the defendant has occurred. After discussion with defense counsel, the government understands that if the MDC does not begin to test/treat the defendant's complaints and issues to the satisfaction of defense counsel, defense counsel will file a motion for ancillary relief to the Court seeking an Order, mandating examination, testing and treatment as necessary.

Regarding discovery, the government has continued to work with the intelligence community to review materials that may be subject to discovery and/or proceedings pursuant to the Classified Information Procedures Act. The government's review is ongoing and the government intends to complete its review in the next 60 days.

Additionally, the parties have engaged in preliminary discussions regarding whether this case can be resolved short of trial. The parties expect that they will also have a more substantive update regarding whether the case can be resolved short of trial in the next 60 days.

The parties are available at the Court's convenience to address any issues or questions that the Court may have in the interim.

Respectfully submitted,

BREON PEACE
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cc: Clerk of Court (DLI) (via ECF)
Counsel of Record (via ECF)